

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 19, 2010

- D056981     In re Rubino on Habeas Corpus**  
The petition is denied.
- D054261     Durrell v. Sharp Healthcare**  
The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Irion, J.
- D054637     Hale v. Sharp Healthcare et al.**  
The judgment is reversed insofar as it pertains to the UCL and CLRA causes of action. The judgment is otherwise affirmed. The parties are to bear their own costs on appeal. CERTIFIED FOR PUBLICATION.  
McConnell, P.J.; We Concur: Nares, J., Irion, J.
- D057002     Esmaeli v. The Superior Court of San Diego County/People**  
The petition is denied.
- D055500     People v. White**  
The judgment is modified by striking the conviction of possessing cocaine base (§ 11350, subd. (a)) (count 2). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.  
Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D056479     People v. Defroe**  
The convictions for possession and transportation of cocaine are reversed and the case is remanded to the trial court. Irion, J.; We Concur: McConnell, P.J., Aaron, J.
- D055305     Wallace v. Geico General Insurance Company**  
The order striking class allegations is reversed, and the matter is remanded for proceedings consistent with this opinion. Wallace shall recover her costs on appeal. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.
- D056645     People v. Saavedra**  
The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.
- D056873     B.L. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
No timely petition for writ relief for mother S.C. has been filed. The notice of intent is deemed to be abandoned. The case as to S.C. is dismissed. Response to father Bobby L.'s petition for writ of mandate filed March 26, 2010 is due 10 days from the date of this order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 20, 2010

- D057021     In re Mitchell on Habeas Corpus**  
The petition is denied.
- D054790     People v. McKinney**  
**D056022     In re McKinney on Habeas Corpus**  
The pending petition for writ of habeas corpus, In re Daniel Ray McKinney, D056022, is consolidated with the pending appeal, People v. McKinney, D054790, for disposition.
- D054790     People v. McKinney**  
**D056022     In re McKinney on Habeas Corpus**  
The judgment is affirmed. The petition for writ of habeas corpus is denied. McConnell, P.J.; We Concur: Haller, J., Aaron, J.
- D057139     In re Hill on Habeas Corpus**  
The petition is denied without prejudice to refiling in the Riverside County Superior Court.
- D057149     Center for Autism Research Evaluation & Service v. Superior Court of San Diego County/Pope**  
The petition is denied.
- D056924     Lisa P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 21, 2010

Court Furlough Day

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 22, 2010

- D054241     In re Marriage of Mataele and Brittain**  
The petition for rehearing is denied.
- D057082     In re Burnett on Habeas Corpus**  
The petition is denied.
- D055774     People v. Burnett**  
The judgment is affirmed.  
McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.
- D055016     County of San Diego et al. v. Brown**  
The order is affirmed. County and Wife are entitled to costs on appeal.  
McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D055494     Arthur v. Department of Motor Vehicles**  
The judgment is affirmed. The DMV is entitled to costs on appeal.  
McConnell, P.J.; We Concur: Benke, J., Aaron, J.
- D056577     In re Lippold on Habeas Corpus**  
The petition is denied.
- D055233     Goldsmith v. Department of Motor Vehicles**  
The judgment is affirmed. The DMV is entitled to costs on appeal.  
McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D055288     Adapon et al. v. Surecraft Supply, Inc.**  
Upon written request filed by appellants the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D056640     Villa Europa Homeowners Association et al. v. Superior Court of San Diego County/Sack**  
Let a writ of mandate issue directing the superior court to vacate its orders of December 31, 2009, and January 7, 2010, and issue a new order consistent with this opinion. This court's stay order issued January 26, 2010, is vacated. Petitioners shall recover their costs on this petition.  
Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D055730     In re Janet G., a Juvenile**  
The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

April 22, 2010 (Continued)

**D056980     In re Dakessian on Habeas Corpus**

The petition is denied.

**D055009     In re the Marriage of De Marco**

The additional \$45,000 in sanctions and \$5,000 in attorney fees awarded to Jennifer during the posttrial hearing are reversed. The award to Jennifer in the original final statement of decision, for \$30,000 in sanctions and \$20,000 in attorney fees under section 271, is affirmed. Each party shall bear their own costs on appeal.  
Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D054862     In re Marriage of Allen**

Reversed with directions to the family court to vacate the current support awards and to conduct such further proceedings as will include (1) a determination of the likelihood of the bonuses recurring and at what level, (2) as appropriate, including such anticipated bonuses in Father's gross income, utilizing a representative time period, (3) creating a method that requires him to pay support obligations that are commensurate with the resulting monthly net income, and that are in accordance with other relevant circumstances concerning imputation of income to the other party and the best interests of the children. (§§4056, 4058, 4060, 4064.)  
Costs on appeal to be borne by each party respectively.  
Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
April 23, 2010

- D054406    In re Nico S., a Juvenile**  
The order setting the amount of victim restitution is reversed.  
McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.
- D053725    People v. Berggren**  
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D055956    In re Andrew A., a Juvenile**  
The opinion filed March 30, 2010, is ordered certified for publication.
- D057016    Bryan v. Ardissoni et al.**  
Pursuant to California Rules of Court, rule 8.140, the appeal filed March 12, 2010, is dismissed for Appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).
- D056868    ESU, Inc. v. Ausdemore**  
Pursuant to California Rules of Court, rule 8.140, the appeal filed February 22, 2010, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).